

**YADKIN COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MINUTES**  
**Wednesday, September 9, 2009**

The Yadkin County Board of Commissioners met in Regular Session on Wednesday, September 9, 2009, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, North Carolina.

**Present were:**

Chairman Chad Wagoner  
Vice Chairman Kevin Austin  
Commissioner Tommy Garner  
Commissioner David Moxley  
Commissioner Brady Wooten

**Staff present:** County Attorney, James Graham; County Manager, Stan Kiser and Clerk to the Board, Gina Brown.

**CALL TO ORDER** by Chairman Wagoner at 9:00am.

**INVOCATION** led by James Graham.

**PLEDGE OF ALLEGIANCE** led by Chairman Wagoner.

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

Chairman Wagoner drew attention to the Closed Session scheduled just after public comment.

**Vice Chairman Austin made a motion to approve the agenda as presented. Commissioner Wooten second.**

**Vote: 5/0**

**PUBLIC COMMENTS**

Public Comments portion of the meeting opened at 9:03am.

Nancy Sapp, Hoots Road community, appeared before the Board. Mrs. Sapp stated that she lived 1/8 of a mile from the proposed jail site on Hoots Road. Mrs. Sapp expressed concern for the interviews on television regarding this issue. Mrs. Sapp remarked that the Constitution holds the words “We the people.” Mrs. Sapp further remarked that this phrase relates to “all of the people” and not a governing body. The Constitution gives citizens the right to judicial process to protect what is theirs. Mrs. Sapp felt insulted by the use of the word “gang” when referring to the opponents of Hoots Road. Mrs. Sapp stated that the television interview suggested that opponents are attempting to prevent a jail. Mrs. Sapp stated that she, nor her husband, nor any other opponent of the Hoots Road jail site are attempting to stop or delay the construction of a jail; they simply support a downtown location. Mrs. Sapp reminded the Board of Sheriff Cain’s previous request to move ahead with a modular unit in the downtown area. Mrs. Sapp asked the Board to do as Sheriff Cain has requested.

Allison Leeds appeared before the Board. Ms. Leeds stated that she had been paying Yadkin County taxes for over 20 years. Ms. Leeds felt that the common sense solution was to construct a jail in a downtown location close to other emergency services and law enforcement. Ms. Leeds believes that Yadkin is a beautiful county and should remain as rural as possible.

Public Comments portion of the meeting closed at 9:08am.

### **CLOSED SESSION**

**Commissioner Wooten made a motion to enter a closed session per NCGS 143.318-11(a)(3) for consultation with attorney. Commissioner Garner second.**

**Vote: 5/0**

**Commissioner Wooten made a motion to end the closed session.  
Commissioner Garner second.**

**Vote: 5/0**

## **APPROVAL OF MINUTES**

Commissioner Moxley noted the misspelling of “Haskins” on page 10, 4<sup>th</sup> line from the bottom.

**Commissioner Wooten made a motion to approve the August 17, 2009 Regular Meeting Minutes; August 17, 2009 Closed Session Minutes - Personnel; August 17, 2009 Closed Session Minutes – Consultation with Attorney; and August 26, 2009 Recessed Meeting Minutes with noted adjustment. Vice Chairman Austin second.**

**Vote: 5/0**

## **PUBLIC HEARING**

There were no issues for public hearing during today’s meeting.

## **BOARD APPOINTMENTS**

(1) Yadkin County Board of Health

**Commissioner Wooten made a motion to appoint Britt Hennings to the Yadkin County Board of Health as an engineering representative.**

**Commissioner Moxley second.**

**Vote: 5/0**

(2) Historic Richmond Hill Law School Commission

**Vice Chairman Austin made a motion to approve the appointment of Wayne Matthews and Gregory Cheek to the Historic Richmond Hill Law School Commission. Commissioner Moxley second.**

**Vote: 5/0**

## **BOARD REPORTS**

Bobby Todd, representing the Economic Development Partnership, Chamber of Commerce, and various tourism initiatives, appeared before the Board for updates. Mr. Todd reported the following:

- Nonni's continues to increase production. Test products have been completed and the official product will be released soon.
- The Economic Development Partnership is following up on the site development recommendations of Duke Power.
- The unemployment rate for Yadkin County remained steady through June and July. The rate for August was 10.4%.
- There continues to be quite a bit of traffic in tourism. The wineries continue to draw State and national attention. The Yadkin Valley is featured in this month's edition of *Our State* magazine and was featured in an August issue of the New York Times.
- Laurel Gray reported its biggest sales during Labor Day weekend.
- Beautification efforts continue at the Chamber of Commerce office to make the appearance more visitor-friendly.
- Harvest Festival will take place on September 19 and the Grape Festival will take place on October 17.
- The Cascade Highlands continues to work on its marketing plan. The first printed material was well received.
- The Tourism Development Authority has new printed material; including brochures and laminated wall prints.

Vice Chairman Austin noted a recent conversation with Eddie Norman of Nonni's. Mr. Norman reported that Nonni's has completed its first batch of product. Nonni's has 45 full time and 45 temporary employees on one line. By early spring 2010, Nonni's expects to have 200 employees.

Commissioner Garner asked Mr. Todd about the T3 Plant owned by Unifi. Mr. Todd reported that Schwartz & Schwartz of Asheboro have the current lease. That lease expires in 2010.

Commissioner Garner asked Mr. Todd about Bepco. Mr. Todd reported that Bepco has one full line in operation and leases the remaining space.

## **BOARD ACTION**

(1) **Tom Kilby, Chief Court Counselor for the Juvenile Justice Program**, appeared before the Board for a budget review. Mr. Kilby reported that the State had reduced funding to counties by 5%. The local Juvenile Crime Prevention Council reduced allocations to the Surry Children's Home and Juvenile Mediation to offset the cuts. Though the County may also reduce its match by 5%, the equivalent of \$423, Mr. Kilby asked that the County funding remain as currently budgeted.

**Commissioner Wooten made a motion to continue the County funding for the local Department of Juvenile Justice and Crime Prevention as currently budgeted at \$22,844. Vice Chairman Austin second.** Vice Chairman Austin asked if the State budget cuts would delay the opening of the Surry Children's Home. Mr. Kilby reported that the opening had been delayed due to licensure. Final inspections were scheduled for last week but Mr. Kilby does not have an update at this time.

**Vote: 5/0**

(2) Budget Amendments:

**Jason Walker, Director of Soil and Water**, appeared before the Board to discuss a budget amendment. Mr. Walker reported that revenues received from the use of the No-Till Drill are recorded in the general fund. Those funds are later used for trade on new equipment. To date, Yadkin County has incurred revenues of \$50,000 and trade-in expenses of \$22,000. The upcoming trade is the 3<sup>rd</sup> for the County. It was noted that Yadkin County has 1 drill of 10' and 1 drill of 6'. Commissioner Moxley pointed out that the original drills were acquired through grants and were of no expense to the County.

**Date: September 9, 2009**

**General Fund**

**Dept: Soil and Water**

Description	Account Number	Original Budget	Increase/ (Decrease)	Amended Budget
Equipment	1054960-56010	-0-	10,817.00	10,817.00
Appropriated Fund Balance	1044000-49000	1,362,464.00	10,817.00	1,373,281.00

**To amend for the purchase of a no-till drill.**

**Commissioner Wooten made a motion to approve the budget amendment for Soil and Water. Vice Chairman Austin second.**

**Vote: 5/0**

The Board reviewed budget amendments for the Yadkin County Health Department. As a member of the Board of Health, Commissioner Wooten reported that the budget amendments had been reviewed by that Board. Budget amendments reflect funding from various sources and do not involve new County money.

**DATE: August 3, 2009**

**SUBJECT: Health Department Budget Amendments**

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
Susan G. Komen Grant	104515144185	10,000	10,000	20,000
EXPENSE				
Komen Grant Contract Services	105515151702	10,000	10,000	20,000

**\*Carry over \$10,000 of Susan G. Komen Grant monies that was deposited on April 21, 2009 for 09/10 Budget and no Budget Amendment were done at that time.**

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
Diabetes Education Recognition Program	New Line Item Under Healthy Carolinians 1045190*****	-0-	1,000	1,000
EXPENSE				
Diabetes Education Contract Services	New Line Item Under Healthy Carolinians 1055190*****	-0-	1,000	1,000

**\*Start up monies for the Diabetes Education Recognition Program**

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
Maternal Health Wolfe Grant	105516352011	-0-	1839.15	1839.15

**\*Carryover Wolfe Grant money from FY 08-09 to FY 09-10**

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
DHHS General Aid to Counties	104511043300	79,086	14,880	93,966
EXPENSE				
Administration Contract Services	105511051700	3,000	14,880	17,880

**State monies received for participation in Random Moment Time Study.**

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
WIC Client Services	104516744208	135,137	11,297	146,434
EXPENSE				
WIC Client Services Supplies	105516752010	750	1,500	2,250
WIC Client Services Equipment	105516756010	-0-	9,797	9,797

**\*Additional monies from State/Federal not budgeted in County Budget**

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
WIC Nutrition Education	104516644207	43,000	4,500	47,500
EXPENSE				
WIC Nutrition Education Supplies	105516652010	900	3,650	4,550
WIC Nutrition Education Travel	105516654010	500	850	1,350

**\*Additional monies from State/Federal not budgeted in County Budget**

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
WIC Admin	104516544206	4,000	500	4,500
EXPENSE				
WIC Admin. Supplies	10516552010	300	500	800

**\*Additional monies from State/Federal not budgeted in County Budget**

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
REVENUE				
WIC Breastfeeding Promo	104517044221	5,300	2,000	7,300
EXPENSE				
WIC Promo Travel	105516854010	500	800	1,300
WIC Promo Supplies	105516852010	500	1,200	1,700

**\*Additional monies from State/Federal not budgeted in County Budget**

**Approved by Board of Health: August 18, 2009**

**Commissioner Wooten made a motion to approve the budget amendments for the Yadkin County Health Department. Commissioner Moxley second. Vote: 5/0**

(3) **Cheri Cranfill, Director of Solid Waste**, appeared before the Board for review of solid waste franchise applications. Mrs. Cranfill noted that today represents the required second review for Benfield Sanitation and 1A Garbage Service.

**Vice Chairman Austin made a motion to approve the franchise application for Benfield Sanitation. Commissioner Wooten second. Vote: 5/0**

**Vice Chairman Austin made a motion to approve the franchise application for 1A Garbage Service. Commissioner Wooten second. Vote: 5/0**



On a separate note, Mrs. Cranfill reported that the Highway 21 chlorination station would be moved to the County's waste collection site on Highway 21. The Jonesville Public Works Department has asked for a key to the gate. Rather than having access to the entire site, it has been suggested that a door be added to the existing fence that will open only to the chlorination station. This can be accomplished for under \$300.

**Commissioner Wooten made a motion authorizing the Solid Waste Department to add a door to the existing fence at the collection site on Highway 21 for sole access to the chlorination station at a cost not to exceed \$300. Commissioner Moxley second.**

**Vote: 5/0**

It was noted that a budget amendment was not needed as there are funds available in the current Solid Waste budget.

### **CALENDAR NOTES**

Chairman Wagoner reviewed the calendar notes. Clerk Brown added that the joint meeting with the Board of Education will be held at Starmount Middle School at 6:30pm on September 28, 2009. Chairman Wagoner also noted that YVEDDI was hosting an open house at the new facility in Boonville on September 17, 2009 from 2-4pm.

### **MANAGER REPORTS/COMMENTS**

County Manager Kiser reported ongoing issues with water pressure on the Highway 21 waterline and DOT right-of-way on the pump station. As Arcadis was the engineering firm on these projects, Dennis Kachmarsky had been contacted in June 2009 for possible solutions. County Manager Kiser presented copies of the correspondence. Mr. Kachmarsky has yet to respond to the request. County Manager Kiser reported that he is withholding all payments to Arcadis until the Highway 21 waterline and pump station issues are resolved. The Board agreed with County Manager Kiser. Vice Chairman Austin remarked that the new manager, once in place, should be made aware of this situation and should continue to withhold payment as well.

*Chairman Wagoner called for a recess at 10:20am. The meeting reconvened at 10:40am.*

## **COMMISSIONER COMMENTS**

Chairman Wagoner had no additional comments at this time.

Commissioner Wooten had no additional comments at this time.

Commissioner Moxley had these additional comments:

A proposed 5D Lake Management Plan was presented to the Board for review. A public hearing is required to get input from the public on the various activities that will and will not be allowed on the 5D Lake.

**Vice Chairman Austin made a motion to set a Public Hearing on the 5D Lake Management Plan for Monday, October 19, 2009 at 7:00pm.**

**Commissioner Wooten second.** Commissioner Moxley noted that comments and suggestions were solicited on the County website. A swimming area was the most common request. However, Commissioner Moxley explained that a swimming area will not be allowed since the reservoir will eventually serve as a water supply and because of potential liability. Commissioner Garner asked if NCDENR mandated the swimming restrictions. It was noted that NCDENR strongly recommended no swimming activities on the 5D reservoir.

**Vote: 5/0**

Commissioner Garner had these additional comments:

Commissioner Garner quoted the County motto, "Progress through Past Experience." Commissioner Garner shared some examples of the County's past experience. The Yadkin County forefathers refused railroad. Availability of rail is the first question asked by potential industries. Failure to allow railroad still affects Yadkin County 100 years later. In the 1960s, the Federal government offered \$10 million to Yadkin County for a county-wide water system. Yadkin County leaders refused the funding, calling it "democrat" money. Yadkin County rejected the opportunity to purchase the prison camp and 50 acres of land for \$1. In the late 1980s, Yadkin County was offered an

industrial size air conditioning unit at no cost or delivery charge; yet rejected the offer. Just 2 years ago, Yadkin County added air conditioning to the jail at a cost of \$35,000. Commissioner Garner stated that the experiences of previous County leadership impact his position on many issues at present.

Vice Chairman Austin had these additional comments:

(1) Regarding Commissioner Garner's comments, Vice Chairman Austin agreed; stating that the Board should take great care in making the best decisions possible for the good of the County.

(2) Vice Chairman Austin read a note from Peggy Casstevens and family thanking the Board for flowers and other consideration at Leon Casstevens' passing.

Attorney Graham had no additional items for discussion.

## **PRESENTATION**

Chairman Wagoner quoted a Portuguese Proverb; "Hell is paved with good intentions and roofed in with lost opportunity." Chairman Wagoner noted that the Board had good intentions when rejecting the original proposals for plumbing work. This rejection resulted in the closure of the jail. Chairman Wagoner asked that this be a guiding thought as jail discussions begin and that proper decorum be practiced throughout the discussions.

Sheriff Mike Cain, Major Danny Widener, and Lieutenant Tom Helms joined the meeting. Sheriff Cain remarked that the proposed plumbing repairs are simply patchwork. The existing jail will continue to face issues as long as it is in use. Sheriff Cain asked the Board to consider alternatives that would allow a safe and secure facility to be in operation as quickly as possible.

The Board agreed to discuss the plumbing issue at the current jail prior to any other jail discussion.

## **Plumbing:**

Major Widener reported that 7 bids for plumbing work had been received based on the professional specifications. Major Widener noted that some contractors requested bid packages, but ultimately, did not submit a bid. Major Widener reported that Sylvester & Cockrum were the lowest bidders, including options. Vice Chairman Austin asked for clarification on the options. Major Widener explained that option #1 and #2 are for 2 different shower heads. Major Widener reported that option #1 would be his preference. The shower head for option #2 is detachable and may allow an inmate to hang himself resulting in a great liability to the County. Commissioner Wooten stated that there was no other alternative than to repair the plumbing.

**Vice Chairman Austin made a motion to approve the services of Sylvester & Cockrum for plumbing work at \$76,500 plus option #1 at \$3,940 for a total cost of \$80,440. Commissioner Wooten second.**

**Vote: 5/0**

Chairman Wagoner asked for a time frame on the plumbing work. Major Widener remarked that it could take up to 1 month for DHHS approval on the drawings and the repairs would be made over the following months. In the meantime, the Yadkin County Jail remains closed with only 2 housing units for booking in and out.

## **Property:**

County Manager Kiser reported that he had received an offer to purchase the County's Hoots Road property by Triad Medical Services. County Manager Kiser advised the Board to use the upset bid process if they choose to sell that property. County Manager Kiser also provided the Board a letter from Joy Kay of AOA Signs regarding a property exchange. AOA Signs is located next to the Sheriff's Office. It was noted that the original quote for this property was just under \$1 million. Mrs. Kay indicated in her letter that she is willing to negotiate a price. Vice Chairman Austin added that Mrs. Kay attempted to recoup capital gains tax in her original quote. Capital gains tax laws have changed since that time and are no longer an issue.

Chairman Wagoner read the letter from Nolan Brown as follows:

“Enclosed for consideration by the Yadkin County Board of Commissioners is an offer by NGB Enterprises, Inc. to purchase that certain 10 acre tract (recorded in Book 705, Page No. 358, Yadkin County Registry) that the County owns on Hoots Road.

This offer to purchase shall remain open for forty-five (45) days from this date [September 8, 2009] unless extended in writing by NGB Enterprises, Inc.

If you have any questions or need additional information to present to the Board, please do not hesitate to let me know.

Sincerely,  
Nolan Brown”

Chairman Wagoner noted that item #2 from the Offer to Purchase reflects an offer of \$175,000 to be paid in cash at closing. Attorney Graham advised that the Board could not accept that offer because there are certain regulations for the sell of County property. The County may offer property at public auction, they may advertise for sealed bids, or they may advertise for upset bids. Commissioner Wooten noted that the original purchase price of the Hoots Road property was between \$135,000 and \$150,000.

### **Options:**

Commissioner Wooten began the discussions. Commissioner Wooten read a portion of a letter written by Sheriff Cain from August 26, 2009 as follows:

“All I want is a secure, safe, sanitary facility that meets our needs. Let us please come up with a solution to solve our problem that everyone can live with then maybe we can get back to the business at hand, which is providing services to our community, educating our kids, build infrastructure, etc.”

Commissioner Wooten thanked Sheriff Cain for requesting his assistance with a jail resolution and thanked Commissioner Garner for making that motion at the last meeting. Commissioner Wooten also thanked Chairman Wagoner for giving Commissioner Wooten the opportunity to research modular systems.

Commissioner Wooten had the following statements and questions:

- It is time that Commissioners stop the blame game and fix the jail problem.
- The Board has an opportunity to act responsibly.
- Do you want to fix the old jail and use it for additional future needs?
- Do you want a new jail?
- The focus should be on jail cells, not offices or frills, and only the minimum square footage required for the cafeteria because of the economy.
- Do you want this decision to be made by voters in a referendum?
- What budget goals will the Board set for this jail project?
- Do you want a short term, long term, or temporary fix?
- There should be a fix that would allow this Board and future Boards adequate time for facility planning and a future government complex for Yadkin County.
- Do you want to hand this jail issue to a future Board?
- It is time for this Board to decide where it is going with a jail.

Commissioner Wooten shared much information on modular facilities from Eagle Companies.

1. The first set of pictures depicted the welding process, roof trusses, windows that allow natural light, and emergency exit doors. Commissioner Wooten provided a sample of 14-gauge steel that is used for the roof. Commissioner Wooten stated that modular facilities provide the best alternative detention housing available with medium to high medium security in an unmatched timeframe and at a very affordable price.

2. Commissioner Wooten stated these additional advantages:

- Can ship within 6 months.
- Stronger than typical concrete block construction.
- Mechanical rooms are accessible only from outside.
- Strongest and most “officer friendly” alternative housing.
- Outside finish may be brick, block, or other.
- Excellent visibility for officers.

- Excellent air flow which virtually eliminates odors.
- Redundant HVAC system that enables other units to share the load while one is being repaired.
- Tamper resistant sprinkler heads with a 35 pound break-away.
- Can be site-incorporated with lower cost pre-engineered administrative building for lowest project cost and completion time.
- Constructed for easy future additions.

3. Commissioner Wooten provided additional data describing the exterior construction, interior construction, mechanical design, and the electrical and electronic systems design.

4. The Board was provided several drawings of potential configurations. Commissioner Wooten noted that configurations are designated as an “H” design or an “S” design. “S” designs are more compact, require less land area, and are more cost efficient.

5. Pictures of the exterior and interior of the facility were provided as well as pictures of the foundation and installation process.

6. The final drawings provided by Eagle Companies reflect the recommendation for Yadkin County. Eagle Companies has suggested a 58-bed configuration with a holding facility, storage room, laundry room, kitchen, detective office, booking room, and officer training room.

7. Commissioner Wooten read a letter from Eagle Companies as follows:

“Dear Mr. Wooten;

The Eagle Companies is pleased to present the Eagle Detention System (EDS), a combined turn-key pre engineered solution to relieve jail overcrowding. Our pre engineered heavy all welded steel design includes the following certification documentation:

All structural drawings and documentation sealed by a licensed Architect/SE Engineer registered in the State of North Carolina. All sprinkler drawings and calculation documentation will be signed and sealed by a PE Engineer registered in the State of North Carolina. Eagle will meet and exceed all the State and Federal building codes, ADA and DOC requirements.

Please accept the following scope:

EDS 58 bed facility

108' wide x 94' long

10,152 square feet.....\$3,482,136.00 (\$343.00 per square foot)

Add for turnkey package.....\$ 489,300.00

Total \$3,917,436.00

Thank you for the opportunity.

Sincerely,

Timothy J. Tobin"

Commissioner Wooten noted that this is a preliminary proposal only.

**Commissioner Wooten made a motion to establish a jail committee, made up of Commissioner Brady Wooten, Vice Chairman Kevin Austin, a representative chosen by Sheriff Mike Cain, and 2 members of the contracting community as recommended by Commissioner Wooten and Vice Chairman Austin, to review the plans by Eagle Companies and present a recommendation to the Board. Chairman Wagoner second.** Chairman

Wagoner asked Vice Chairman Austin if he felt it would be a conflict of interest to serve in this capacity. Vice Chairman Austin responded that the only conflict may be in voting on the end result. Attorney Graham indicated that there is no concern since site selection has not been discussed.

Commissioner Wooten noted that site selection would be one of many issues that the committee would address. Further, Commissioner Wooten remarked that the purpose of this process would be to provide the Sheriff what he needs. The Board has been struggling with the jail issue for 2 or 3 years and must find a solution that is agreeable to all. Vice Chairman Austin feels that his participation on this committee would assist in reaching a solution that would satisfy all parties and enable the jail project to move forward rapidly.

Commissioner Garner stated that the jail issue will only go away if it is built downtown. Commissioner Garner stated that downtown is not the right place for the jail. Some opponents of a Hoots Road location have stated that the jail should be downtown close to the Sheriff's Office and Courthouse.

Commissioner Garner asked Sheriff Cain to confirm that the department has outgrown its building. Sheriff Cain confirmed that the Sheriff's Office does rent space elsewhere for the criminal investigations staff.



Further, Commissioner Garner noted the potential for condemnation of the courthouse. Commissioner Garner repeated Judge Craig's concern that there is no other entrance to the courthouse to prevent jurors from seeing shackled inmates. Judge Craig had talked to other Superior Court Judges about the security of the Yadkin County Courthouse; stating that it is not safe, secure, accessible, or well laid out for today's procedures. Sheriff Cain reported that inmates are placed in the holding cell 1 to 1 ½ hours prior to the start of court to prevent being seen by any member of the public and to provide for the inmates' safety. Sheriff Cain relayed an experience involving a chained inmate that was linked with 14 others. An attempt was made to run down one inmate endangering the lives of the other 14. Sheriff Cain explained that as long as an inmate is in his custody, he and the officers must provide for their safety, even if it means endangering their own lives.

The current capital project ordinance for the jail at Hoots Road was provided to the Board. The proposed jail size is 28,000 square feet. Chairman Wagoner asked Commissioner Wooten if his vision for a modular facility is a temporary or permanent solution. Commissioner Wooten feels there should be a permanent solution that will sustain Yadkin County for 10 to 20 years allowing for adequate facility planning. Chairman Wagoner asked Sheriff Cain if DHHS would approve a temporary solution without a permanent plan in progress. Major Widener replied that even a temporary facility would have to meet all DHHS standards. Chairman Wagoner offered his assumption that since Eagle Companies builds detention facilities, it is already familiar with all the required standards. Major Widener indicated that there is not a facility of this sort in North Carolina. Sheriff Cain added that even though the facility may meet standards of the Department of Corrections, North Carolina has its own jail standards that must be met. Further, Sheriff Cain reported that dormitory style works well in federal prisons but will not work in a County jail. Certain inmates in a County facility must be segregated. Sheriff Cain explained that 4-bed cells would be appropriate for the most part, but single cells would be required also. Chairman Wagoner repeated an earlier remark from Sheriff Cain that there is a distinct difference between a prison and a jail. Prison inmates are serving time for convictions. County jail holds those that are awaiting trial.

Commissioner Wooten stated that information presented today is preliminary only. There is still much for discussion and many decisions to be made. Based on the history of the jail issue, alternatives must be pursued in order to resolve the Sheriff's needs. Commissioner Wooten stated that the Board has the opportunity to resolve the jail issue. Commissioner Garner responded that this Board has had ample opportunity over the last 2 years and yet continue to drag their feet. Commissioner Wooten stated that the events that have delayed the jail are part of the due process of law. If the jail project cannot be completed as is, the Board should shift its focus to a project that can be done. Vice Chairman Austin added that the Board can devise a plan that the majority can agree on. Chairman Wagoner responded that the majority of the Board has agreed on the appropriate direction. Vice Chairman Austin feels the current jail plans are not appropriate; otherwise the entire Board would be in support.

Chairman Wagoner thanked Commissioner Wooten for his research and the time he devoted to gathering this information. Chairman Wagoner shared the following observations:

- Not one of the pictures provided today depict a facility in a downtown area.
- The projected cost of the Hoots Road design is \$293 per square foot for a 28,000 square foot facility while the proposal for the modular facility is \$343 per square foot for 10,152 square feet. The cost of the modular unit is \$50 more per square foot for a facility less than half the size.

Commissioner Wooten stated that modular units are more compact and more efficient. If using the same square footage ratio, a 116-bed facility could be constructed at a lower cost than traditional stick-built. Chairman Wagoner asked Commissioner Wooten if he agreed that a 110-bed facility is the appropriate plan for Yadkin County considering overcrowding issues in Wilkes County and throughout the State. Commissioner Wooten responded that his concept is to resolve current needs and begin facility planning for the future. Chairman Wagoner repeated the question; noting that various North Carolina counties have been gracious in accommodating Yadkin County's overcrowding issues and Yadkin County has the opportunity to return the favor. Commissioner Wooten would not say yes or no. Commissioner Wooten did comment that a 58-bed modular design along with the existing 28-bed jail would provide 86 beds. Lieutenant Helms noted that the current jail

would have to meet DHHS codes and standards. The plumbing is only one of many issues that must be resolved in order for the jail to continue to operate. Sprinkler system, smoke evacuation system, and glass replacement are just a few of the requirements. Vice Chairman Austin suggested that an evaluation of the existing jail and the costs associated with bringing the jail to code would be considerations for the new jail committee.

*Chairman Wagoner called a recess for lunch at 12:05pm. Meeting reconvened at 1:03pm.*

Chairman Wagoner announced that he had spoken independently with Board members during the recess and believes that members have agreed on the next reasonable step in this process.

**Chairman Wagoner made a substitute motion to...**

- (1) activate a new jail committee**
- (2) establish the jail committee as 5 members**
- (3) appoint Commissioner Moxley and Commissioner Wooten as Board representatives to the jail committee**
- (4) have jail committee explore all possible jail solutions, DHHS requirements, financing options, etc. and make a recommendation to the Board**
- (5) continue with the current jail project, as is, until a better solution is presented.**

**Commissioner Garner second.** Commissioner Wooten suggested that the remaining 3 members of the jail committee consist of Sheriff Cain and 2 members of the contracting community. Sheriff Cain noted that he would like Major Widener to attend the committee meetings as well and serve as alternate for his position.

**To accept the substitute motion – Vote: 5/0**

**To approve the substitute motion – Vote: 5/0**

The Board will review the 2 suggested members at the September 21, 2009 meeting.

Chairman Wagoner asked the committee to remain as close as possible to the 110-bed capacity and to thoroughly examine all options and all factors. Further, Chairman Wagoner asked that the jail committee move expeditiously.

Commissioner Wooten suggested that Wilkes County be contacted for a potential partnership in jail construction. Sheriff Cain responded that Wilkes County would not financially support construction but would utilize bed space at an estimated cost of \$53 per day. It was noted that the current Wilkes County jail is adjacent to the courthouse just outside of the downtown area. Commissioner Garner further remarked that the Iredell County jail is at capacity and landlocked.

On a separate note, Commissioner Garner stated that the Nolan Brown offer on the Hoots Road property is not an option as there is no public water supply to that area at this time. Chairman Wagoner remarked that the Town and County are currently working toward a water agreement.

Commissioner Garner remarked that Hoots Road had not been his first choice as a jail site. Commissioner Garner stated his first choice had been property located behind Unifi at the T5 plant, but the asking price was \$46,000 per acre. Property located between the Yadkin Campus of Surry Community College and Northwood Baptist Church was the second choice. Property owners would not sell. The old drive-in property was an option. That price was \$1 million for 50 acres with only 10 acres fit for use. Property located behind the ball field at Yadkinville Elementary School was not appropriate.

Commissioner Garner stated that there are opponents of the Hoots Road site that say it is cheaper to build downtown. With figures presented today, \$343 per square foot for a modular in downtown and \$293 per square foot for the original design on Hoots Road; this is no longer a valid argument.

Commissioner Garner asked Sheriff Cain to address safety issues. Sheriff Cain stated that an escape is not impossible and he could not guarantee that it would not happen. However, with the proper construction, safety features, personnel, and procedures, it will be a safe facility. And lastly, Commissioner Garner asked where the modular units would be located; noting that the County does not own property in the downtown area.

Vice Chairman Austin offered his appreciation for the Board's participation in today's discussion.

**Commissioner Wooten made a motion to adjourn. Vice Chairman Austin second.**

**Vote: 5/0**

Meeting adjourned at 1:30pm.

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Prepared by Clerk to the Board

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Date Approved by the  
Yadkin County Board of Commissioners